NEW YORK STATE
ENERGY RESEARCH AND DEVELOPMENT AUTHORITY

PROCUREMENT CONTRACT GUIDELINES, OPERATIVE POLICY AND INSTRUCTIONS

June 2012

Article I. Purpose and Applicability

1.0 These Procurement Contract Guidelines ("Guidelines"), adopted pursuant to Public Authorities Law Sections 1854, 1855, and 2879, set forth the operative policies of the Authority and instructions to its officers and employees regarding the use, awarding, monitoring, and reporting of Procurement Contracts.

1.1 These Guidelines apply to any Procurement Contract entered into after they become effective pursuant to the provisions of Section 1853 of the Public Authorities Law.

Article II. Definitions

2.0 As used in these Guidelines, "Procurement Contract" means a written agreement for the acquisition of goods or services of any kind, in the actual or estimated amount of $5,000 or more. “Procurement Contract” shall not include: memberships in various industry groups, professional societies, and similar cooperative associations, nor any cooperative projects and procurement activities, conducted or sponsored by such organizations, in which the Authority participates; direct purchase advertising with radio, television or print media; tuition, conferences, seminars and other comparable activities; or transportation or other travel-related expenses.

2.1 As used in these Guidelines, "Personal Services Contract" means a Procurement Contract to provide a personal service of a consulting, professional, or technical nature to the Authority for a fee, commission, or other compensation by a person or organization that is not providing the service as an officer or employee of the Authority, another public corporation, or a state agency, in relation to the Authority's operation, management, and administration of its offices or personnel; acquisition, construction, management, operation, maintenance, or disposition of facilities under its ownership or control; or dissemination of publications or other information. Personal services of a consulting, professional, or technical nature include, but are not limited to, legal, accounting, management consulting, planning, training, statistical, research, public relations, architectural, engineering, surveying, or other similar personal services, but do not include services related to financings the Authority undertakes on behalf of itself or any other person or entity, which are covered by separate financial services guidelines.

2.2 As used in these Guidelines, "Program Contracts” mean Procurement Contracts to perform work in the energy research, development, or demonstration program, the energy efficiency services program, the energy analysis program, the economic development program, the residential energy affordability program, and system benefits charge-funded programs

respectively, for a fee, commission, or other compensation by a person or organization that is not performing that work as an officer or employee of the Authority, another public corporation, or a state agency.

2.3 As used in these Guidelines, “Other Administrative Contracts” mean Procurement Contracts to provide services to support the Authority’s administrative functions for a fee, commission, or other compensation by a person or organization that is not performing that work as an officer or employee of the Authority, another public corporation, or a state agency. Other Administrative Contracts include, but are not limited to, equipment maintenance contracts, leases, insurance, telecommunications, or other similar services, but do not include Personal Services Contracts.

2.4 As used in these Guidelines, "Contractor" means a person or organization that enters into a Procurement Contract with the Authority.

2.5 As used in these Guidelines, "Minority Business Enterprise" means any business enterprise certified by the Division of Minority and Women-Owned Business Development as a Minority Business Enterprise.

2.6 As used in these Guidelines, "Women-Owned Business Enterprise" means a business enterprise certified by the Division of Minority and Women-Owned Business Development as a Women-Owned Business Enterprise.

2.7 As used in these Guidelines, "New York State Business Enterprise" means a business enterprise, including a sole proprietorship, partnership, or corporation, which offers for sale or lease or other form of exchange goods which are sought by the Authority and which are substantially manufactured, produced, or assembled in New York State or services which are sought by the Authority and which are substantially performed in New York State.

2.8 As used in these Guidelines, a "New York State Resident" means a natural person who maintains a fixed, permanent, and principal home within New York State and to which such person, whenever temporarily located, always intends to return.

2.9 As used in these Guidelines, “Competitive Procurement Method” shall include: (i) solicitations, including program opportunity notices, requests for proposals, requests for information, requests for quotations and requests for qualifications; (ii) subscription program offers; (iii) for administrative purchases if the issuance of a solicitation is reasonably expected to result in no more than nominal savings, obtaining at a minimum three (3) quotations from different providers or firms; (iv) procurement made pursuant to centralized contracts let by other public entities pursuant to a competitive process, including those contracts of the New York State Office of General Services; (v) procurement of commodities from a Contractor where the price to be charged by the Contractor is less than that which would be charged for the purchase substantially similar in function, form or utility made pursuant to a centralized contract let by the New York State Office of General Services or when other contract terms such as delivery or warranty terms are more economically beneficial; or (vi) any other competitive method of procurement that is consistent with these guidelines.

Article III. Description of Goods Purchased; Use of Personal Services Contracts, Program Contracts and Other Administrative Services Contracts

3.0 Goods purchased by the Authority from time to time generally fall within one of the following categories: office supplies, furniture, computer equipment, and other equipment; other miscellaneous items of physical property are also occasionally purchased on an as-needed basis.

3.1 It is the general policy of the Authority to use its own officers and employees in the performance of required personal services insofar as practical. At the same time, the Authority recognizes that it can be preferable to contract for certain personal services for a number of good reasons. In addition, the Authority's energy research, development and demonstration, energy efficiency services, residential energy affordability, and SBC-funded programs usually depend on performance of the work by outside Contractors, and the energy analysis and economic development programs may sometimes do so, requiring the use of Program Contracts.

3.2 The areas of responsibility and oversight related to the conduct of the Authority's affairs which may require the use of Personal Services Contracts include, without limitation: architecture or design; engineering; construction management; inspection, testing, and quality assurance; facility operation and maintenance; environmental study and analysis; appraisal; surveying and mapping; real estate acquisition or disposition; graphic arts and printing services; specialized legal services; independent auditing and accounting; public relations and advertising; management consulting; data processing services; information systems services; personnel training; and office services.

3.3 Personal Services Contracts may be entered into for one or more of the following reasons: special expertise or unusual qualifications not available within the Authority; nature, magnitude, or complexity of services provided; lack of resources, support staff, or specialized facilities or equipment within the Authority within the time period during which the services are required; lower cost; short term or infrequent need for the services, insufficient to warrant permanent Authority staffing; performance of a function requiring independence from Authority management (e.g., independent auditors); or distance of the location or locations where the services must be performed from Authority offices or facilities.

3.4 Before entering into a Personal Services Contract, the Authority should consider whether the contemplated services can be performed adequately, cost-effectively, and on a timely basis by staff within the Authority or, if available, through voluntary assistance or assistance from the staff of a State agency or another public corporation.

Article IV. Requirements Regarding Selection of Contractors

4.0 The Authority shall use its best efforts to secure offers from Contractors by using a Competitive Procurement Method and to select from such offerers the Contractor offering the most favorable terms, weighing expected ability to perform against projected costs. To this end, the Authority shall:

(a) solicit offers in writing from several persons or organizations known, believed, or reputed to be qualified in the area of supplying the goods, personal services, Authority program work, or other administrative services to be provided or performed, except that for administrative purchases authorized by Section 2.10 (iii), such quotations may be secured by telephone solicitations where time constraints do not permit securing a written bid and for procurement of catalog and other items generally purchased in the ordinary course of business or which do not require a detailed bid or description of materials or specifications.

(b) evaluate those offers received on the basis of such information as the Authority has received on, as may be relevant, each offerer's technical or professional qualifications, financial stability, past performance for the Authority, staff, equipment, and facilities availability, experience, reputation, and other factors bearing on expected capability and quality of performance, possible conflicts of interest, and contract price or fee structure; and

(c) document the processes by which a Contractor is selected, by making a record summarizing the nature and scope of the goods, personal services, Authority program work, or other administrative services sought, the name of each person or organization submitting, or requested to submit, a bid or proposal, the price or fee bid, and the basis for selection of the Contractor.

4.1 In any instance, the members of the Authority may, by resolution, waive the use of the procedure for selecting Contractors outlined in Section 4.0 if they determine such waiver to be in the best interest of the Authority.

4.2 The members of the Authority, upon adoption of these Guidelines, hereby waive use of the procedures for selecting Contractors outlined in section 4.0 in those instances when:

(a) the goods, personal services, Authority program work, or other administrative services involved are expected to cost $50,000 or less;

(b) the goods, personal services, Authority program work, or other administrative services involved are expected to cost $200,000 or less and are procured from a Minority Business Enterprise or Women-Owned Business Enterprise;

(c) for any Authority program work, the contract is based upon an unsolicited proposal, submitted at the sole initiative of the offerer, not duplicating work then being performed or in the project planning request stage, and involving unique, innovative, or unusual meritorious methods or ideas;

(d) an Authority Officer determines that:

(i) the interest of the Authority for timely procurement of the goods, personal

services, Authority program work, or other administrative services involved precludes selection of a Contractor pursuant to such procedure;

(ii) even though two or more Contractors could supply the required goods, personal services, Authority program work, or other administrative service, one particular Contractor has unique or exceptionally scarce qualifications or experience, specialized equipment, or facilities not readily available from other sources, or patents, copyrights, or proprietary data; or

(iii) there is only one source for a required good, personal service, Authority program work, or other administrative service;

provided, that in those instances the Authority shall nonetheless make a record summarizing the nature and scope of the goods, personal services, Authority program work , or other administrative service involved, the name of the Contractor, the contract price or fee, and the basis for waiver and selection of the Contractor.

4.3 For contracts in excess of one year:

a) Entering into any Procurement Contract which provides for a period of performance by the Contractor in excess of one year shall require approval of the members of the Authority, either by prior action, where time permits, or by ratification at the next meeting of the Authority.

(b) The members of the Authority, upon adoption of these Guidelines, hereby approve the Authority entering into any Program Contract providing for a period of performance by the Contractor in excess of one year for which an Authority Officer makes a determination that the work to be performed is within the scope of: (i) the programs contained in (A) the Integrated Multi-Year Program Plan or (B) a Plan for Public Benefit Programs Funded by System Benefits Charge, the renewable portfolio standard or any other Plan approved by the New York Public Service Commission, and (ii) the Authority budget annually approved by the members.

(c) For purposes of annual review by the members of Procurement Contracts which provide for a period of performance by the Contractor in excess of one year, such contracts shall be specifically identified in the report of the Treasurer submitted to the members at the June meeting of the Authority pursuant to Section 10.1 of these Guidelines.

4.4 Independent auditors for the Authority shall be retained only with the prior approval of the members of the Authority.

4.5 The Authority may use its Competitive Procurement Methods to select multiple Contractors to provide goods, personal services, Authority program work, and other administrative services. Individual task work orders may be awarded to these Contractors on an as-needed basis.

Article V. Compliance with State Finance Law Sections 139-j and 139-k in the Selection of Contractors; Contractor Responsibilities and Types of Contract Provisions

5.0 The Authority shall comply with the requirements of State Finance Law Sections 139-j and 139-k in its selection of Contractors. Solicitations shall identify NYSERDA's Designated Contacts, require bidders to disclose any prior determination of non-responsibility, and to provide the other information required by State Finance Law Sections 139-j and 139-k.

The responsibilities of a Contractor, including continuing responsibilities under State Finance Law Sections 139-j and 139-k, shall be detailed in the contract. Contract provisions shall address the nature and scope of the goods, personal services, or Authority program work to be provided; the standard for performance, if practical; the duration of the work; any relevant time requirements or deadlines; and the amount of compensation to be paid or the price, rates, or fees which will be used to determine such compensation. Personal Services Contracts and Program Contracts shall also include provisions on monitoring of the work to be performed; provisions governing the Contractor's use of Authority supplies, facilities, or personnel, if permitted; any provisions required by applicable law; and any other provisions the Authority deems necessary or desirable.

Article VI. Minority and Women-Owned Business Enterprises

6.0 It is the policy of the Authority to foster and promote participation of Minority Business Enterprises and Women-Owned Business Enterprises in its procurements and the development of such enterprises and to facilitate a fair share of the awarding of Procurement Contracts to such enterprises. The Authority endeavors to promote and assist: (i) participation by certified Minority or Women-Owned Business Enterprises in applicable Authority procurement opportunities and facilitation of the award of qualified Procurement Contracts to such enterprises; (ii) the utilization of certified Minority and Women-Owned Business Enterprises as subcontractors and suppliers by entities having qualified Procurement Contracts with the Authority; and (iii) the utilization of partnerships, joint ventures or other similar arrangements between certified Minority and Women-Owned Business Enterprises and other entities having qualified Procurement Contracts with the Authority.

The Authority hereby designates the Division of Minority and Women-Owned Business Development to certify and decertify Minority Business Enterprises and Women-Owned Business Enterprises through a single process that meets applicable state and federal requirements.

On an annual basis, the Authority shall establish appropriate statewide goals for participation by Minority or Women-Owned Business Enterprises in qualified Procurement Contracts awarded by the Authority, and for the utilization of Minority and Women-Owned Business Enterprises as subcontractors and suppliers by entities having qualified procurement contracts with the Authority pursuant to § 313(1-b) of the Executive Law. In accordance therewith, the Authority shall submit a Master Goal Plan, or Master Goal Plan update, for acceptance by the Division of

Minority and Women's Business Development.

The Authority shall conduct procurements in a manner that will enable it to achieve the maximum feasible portion of the goals it establishes and that will eliminate barriers to participation by Minority and Women-Owned Business Enterprises. This includes, but is not limited to:

(a) The Authority shall maintain measures and procedures, as detailed in the Master Goal Plan, to ensure that certified businesses shall be given the opportunity for maximum feasible participation in the performance of appropriate state contracts and to assist in the Authority's identification of those state contracts for which certified businesses may best bid to actively and affirmatively promote and assist their participation.

(b) The Authority will consult with the Division of Minority and Women's Business Development for assistance in identifying Minority Business Enterprises or Women-Owned Business Enterprises, and refer to any known list maintained by any other State department or agency that identifies such enterprises by area of expertise.

(c) With the assistance of the Director of Contract Management, the Authority shall maintain its own list of such enterprises, including professional firms that have expressed an interest in doing business with the Authority, and shall ensure that the list is updated regularly.

(d) The Authority shall provide notice of procurement opportunities to professional and other organizations that serve Minority and Women-Owned Business Enterprises providing the types of services the Authority procures, and solicit or request offers from Minority and Women-Owned Businesses known to have experience in the type of goods, personal services, and other administrative services involved.

(e) Each solicitation document for a qualified solicitation shall set forth the expected degree of Minority and Women-Owned Business Enterprise participation, and the Authority shall provide to each prospective contractor a current list of certified Minority and Women-Owned Business Enterprises. The expected degree of Minority and Women-Owned Business Enterprise participation shall be based, in part, on (i) the potential subcontract opportunities available in the prime procurement contract; and (ii) the availability of certified Minority and Women-Owned Business Enterprises to respond competitively to the potential subcontract opportunities.

(f) Written solicitations or requests for bids or proposals for Procurement Contracts will include a statement of the Authority's affirmative action policy.

(g) Allow bidders to count the Minority and Women-Owned Business Enterprise portion of a joint venture towards meeting its minority business enterprise goal.

(h) For each qualified contract, the Authority shall: (i) consider, where practicable, the severability of construction projects and other bundled contracts; (ii) evaluate the

appropriateness of the goal established in the Master Goal Plan; (iii) consider compliance with the requirements of any federal law concerning opportunities for Minority and Women-Owned Business Enterprises which effectuates the purpose of the Authority's policy; and (iv) consult the most recent disparity study pursuant to Article 15-A of the Executive Law.

The Authority may waive obligations of a contractor relating to Minority and Women-Owned Business Enterprise participation after a showing of good faith efforts to comply with the requirements of Article 9 of the Public Authorities Law relative to the waiver provisions contained in § 313(6) and (7) of the Executive Law. In addition, the Authority shall verify that Minority and Women-Owned Business Enterprises listed in a successful bid are actually participating to the extent listed in the project for which the bid was submitted.

The President and CEO of the Authority has general policy responsibility for the Authority's Minority and Women-Owned Business Enterprise program. The Treasurer provides executive oversight and reports to the President, is familiar with the procurement of the types of construction, financial, legal and professional services utilized by the Authority, and participates in the procurement process directly and through designees. The Director of Contract Management, who reports to the Treasurer, shall manage day-to-day responsibilities for M/WBE reporting and implementation. The Authority Counsel's Office shall be responsibility for M/WBE legislation oversight and compliance.

Through its program, the Authority endeavors to promote and assist: (i) participation by certified Minority or Women-Owned Business Enterprises in applicable Authority procurement opportunities and facilitation of the award of qualified procurement contracts, as identified by the Director of Contract Management, to such enterprises; (ii) the utilization of certified Minority and Women-Owned Business Enterprises as subcontractors and suppliers by entities having qualified procurement contracts with the Authority; and (iii) the utilization of partnerships, joint ventures or other similar arrangements between certified Minority and Women-Owned Business Enterprises and other entities having qualified procurement contracts with the Authority.

Article VII. Contracts with Former Officers or Employees

7.0 Procurement with former officers or employees of the Authority shall be permitted where the goods, personal services, Authority program work, or other administrative services are to the best advantage of the Authority and the contractual relationship is not otherwise prohibited by law or Authority policy. In particular, any former officer or employee of the Authority shall be held to the restrictions set forth in Public Authorities Law Section 73(8) on receiving compensation for any services rendered with respect to specified types of cases, proceedings, applications, matters, and transactions.

Article VIII. New York State Business Enterprises and New York State Residents

8.0 It is the policy of the Authority to promote participation in Procurement Contracts by New York State Business Enterprises and New York State Residents, by encouraging them to compete through measures including, but not limited to:

(a) Collecting and consulting the specifications of New York State Business Enterprises in developing any specifications for any Procurement Contract for the purchase of goods where possible, practicable, feasible, and consistent with open bidding, except for Procurement Contracts for which the Authority would be expending funds received from another state. The Authority will, where feasible, make use of the stock order specification forms prepared by the Commissioner of General Services and, where necessary, consult with the Commissioner of General Services in developing such specifications and making such determinations.

(b) With the cooperation of the Department of Economic Development and through cooperative efforts with Contractors, providing for the notification of New York State Business Enterprises of opportunities to participate as subcontractors and suppliers on Procurement Contracts in an amount estimated to be equal to or greater than one million dollars and promulgating procedures which will assure compliance by Contractors with such notification. Once awarded the contract, such Contractors shall document their efforts to encourage the participation of New York State Business Enterprises as subcontractors and suppliers on such Procurement Contracts. Documented efforts by a successful Contractor shall consist of and be limited to showing that such Contractor has (a) solicited bids, in a timely and adequate manner, from New York State Business Enterprises, including certified minority and women-owned businesses, or (b) contacted the New York State Department of Economic Development to obtain listings of New York State Business Enterprises, or (c) placed notices for subcontractors and suppliers in newspapers, journals, and other trade publications circulated in New York State, or (d) participated in bidder outreach conferences. If the Contractor determines that New York State Business Enterprises are not available to participate on the contract as subcontractors or suppliers, the Contractor shall provide a statement indicating the method by which such determination was made. If the Contractor does not intend to use subcontractors on the contract, the Contractor shall provide a statement verifying such intent.

(c) Except for Procurement Contracts for which the Authority would be expending funds received from another state, including in all bid documents provided to potential bidders a statement that information concerning the availability of New York State subcontractors and suppliers is available from the New York State Department of Economic Development, including the directory of certified minority and women-owned businesses, and that it is the policy of New York State to encourage the use of New York State subcontractors and suppliers and to promote the participation of minority and women-owned businesses, where possible, in the procurement of goods and services.

(d) With the cooperation of the Community Services Division of the Department of Labor and through cooperative efforts with Contractors, providing for the notification of New York State residents of employment opportunities arising in New York State out of Procurement Contracts in an amount estimated to be equal to or greater than one million dollars; and promulgating procedures that will assure compliance by Contractors with notification by requiring Contractors to submit post-award compliance reports documenting their efforts

to provide such notification through listing any such positions with the Community Services Division or providing for such notification in such manner as is consistent with existing collective bargaining contracts or agreements.

(e) Including in each set of documents soliciting bids on Procurement Contracts a statement notifying potential bidders in foreign countries that the Authority may assign or otherwise transfer offset credits created by such Procurement Contract to third parties located in New York State; providing for the assignment or other form of transfer of offset credits created by such Procurement Contracts, directly or indirectly, to third parties located in New York State, in accordance with the written directions of the Commissioner of Economic Development; and providing for the Authority otherwise to cooperate with the Department of Economic Development in efforts to get foreign countries to recognize offset credits assigned or transferred to third parties located in New York State created by such Procurement Contracts.

(f) Promulgating procedures that will assure compliance with the federal Equal Employment Opportunity Act of 1972 (Pub. L. 92-261), as amended, by Contractors.

The Authority shall notify the Commissioner of Economic Development of the expected award of any Procurement Contract for the purchase of goods, personal services, Authority program work, or other administrative services from a foreign business enterprise in an amount equal to or greater than one million dollars ($1,000,000) simultaneously with notifying the successful bidder therefor. The Authority shall not enter into the Procurement Contract until at least fifteen (15) days have elapsed, except for a Procurement Contract awarded on an emergency or critical basis. The notification to the Commissioner shall included the name, address, telephone and facsimile number of the foreign business enterprise, a brief description of the goods or services to be obtained pursuant to the proposed Procurement Contract, the amount of the proposed Procurement Contract, the term of the proposed Procurement Contract, and the name of the individual at the foreign business enterprise or person acting on behalf of the same who is principally responsible for the proposed Procurement Contract. For the purposes of this subdivision, “foreign business enterprise” means a business enterprise, including a sole proprietorship, partnership or corporation, which offers for sale, lease or other form of exchange, goods which are sought by the Authority and which are substantially produced outside New York State, or services, other than construction services, sought by the Authority and which are substantially performed outside New York State**.** For purposes of construction services, “foreign business enterprise” shall mean a business enterprise, including a sole proprietorship, partnership or corporation, which has its principal place of business outside of New York State.

Article IX. Publication of Notice of Procurement Contracts

9.0 Except as provided in Section 9.1 below, prior to awarding any Procurement Contract, the Authority shall submit to the Commissioner of the Department of Economic Development information on: (i) the contract identification number; (ii) a brief description of the goods or services sought, the location where goods are to be delivered or services provided and the contract term; (iii) the address where bids or proposals are to be submitted; (iv) the date when

bids or proposals are due; (v) a description of any eligibility or qualification requirement or preference; (vi) a statement as to whether the contract requirements may be fulfilled by a subcontracting, joint venture, or co-production arrangement; (vii) any other information deemed useful to potential Contractors; and (viii) the name, address, and telephone number of the person to be contacted for additional information. Such information shall be submitted in sufficient time to allow a minimum of fifteen business days between publication of such notice and the date on which a bid or proposal is due, except where a shorter period is specifically authorized by law.

9.1 The provisions of Section 9.0 shall not apply to Procurement Contracts: (i) awarded on an emergency or critical basis, or on the basis that publication is otherwise not feasible, such as those described in Sections 4.2 and 2.10 (ii) - (vi) of these Guidelines; (ii) being re-bid or re-solicited for substantially the same goods or services, within forty-five business days after the date bids or proposals were originally due; or (iii) any other procurements the Commissioner of the Department of Economic Development has determined do not require publication.

Article X. Reports

10.0 The Authority shall prepare and submit to the members, at the regularly scheduled meetings of the members, a report regarding a Procurement Contracts modified or executed since the prior report, the selection process used to select Contractors, the identification of such contracts which provide for a period of performance by the Contractor in excess of one year, the identification of anticipated contracts pending execution by NYSERDA, including those which are expected to be for a period of performance in excess of one year, and designation of Procurement Contracts which were exempt from publication pursuant to Section 9.1 of these Guidelines.

10.1 The Authority shall prepare for approval by the members at their June meeting an annual report on Procurement Contracts, which shall include the Procurement Contract Guidelines, an explanation of the Guidelines and any amendments since the last annual report on Procurement Contracts, a list of the Contractors providing goods, personal services, energy RD&D, energy efficiency services, energy analysis, economic development, residential energy affordability, SBC-funded work, or other administrative services since the last annual report, including identification of all contracts entered into with New York business enterprises, all contracts entered into with foreign business enterprises, and all contracts entered into with certified Minority or Women-Owned Business Enterprises, and the subject matter and value thereof, all referrals made and all penalties imposed pursuant to § 316 of the Executive Law, and a list of fees, commissions, or other charges paid to the Contractors. The report shall also include a summary of all waivers of contractor obligations relating to Minority and Women-Owned Business Enterprise participation granted by the Authority pursuant to the waiver provisions contained in § 313(6) and (7) of the Executive Law, including a description of the basis of the waiver request and the rationale for granting any such waiver, and a statement of whether or not the Authority has been required to prepare a remedial plan, and, if so, the plan and the extent to which the Authority has complied with each element of the plan. The annual report on Procurement Contracts may be a part of any other annual report that the Authority is required to

make.

10.2 Upon approval by the members of the Authority, the Authority shall submit the annual report on Procurement Contracts to the Division of the Budget, with copies to the Senate Finance Committee, the Assembly Ways and Means Committee, the Department of Audit and Control, and the Department of Economic Development.

10.3 The Authority shall make copies of its reports on Procurement Contracts available to the public upon reasonable request.

Article XI. Miscellaneous Provisions

11.0 No violation of or failure to comply with the provisions of these Guidelines shall be deemed to alter, affect the validity of, modify the terms of, or impair any Procurement Contract; nor shall any provision of these Guidelines or any violation of or failure to comply with such provisions be the basis for any claim against the Authority or any member, officer, or employee of the Authority.

11.1 The members of the Authority may, from time to time, amend these Guidelines, provided that no such amendment shall be deemed to alter, affect the validity of, modify the terms of, or impair any Procurement Contract.

11.2 The members of the Authority shall annually review and approve these Guidelines at the June meeting of the Authority.